

DANIEL G. BOGDEN  
United States Attorney  
District of Nevada

PATRICK A. ROSE  
Assistant United States Attorney  
Nevada Bar No. 5109  
333 Las Vegas Boulevard South, Suite 5000  
Las Vegas, Nevada 89101  
Telephone: 702-388-6336  
Facsimile: 702-388-6787  
Email: patrick.rose@usdoj.gov

*Attorneys for the United States*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

GREGORY M. THOMAS,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No: 2:15-cv-00291-APG-NJK

**MOTION FOR EXTENSION OF TIME TO FILE DISPOSITIVE MOTIONS**  
**(Second Request)**

Pursuant to Rule 6(b)(1) of the Federal Rules of Civil Procedure and Rule 6-1 of this Court's Local Rules, the United States moves for an extension of thirty days, from March 21, 2016 to April 20, 2016, to file dispositive motions. This is the second request for an extension of such deadline (although there was a previous, more general extension of the discovery schedule and pretrial deadlines), *see* Order, ECF No. 13; Order, ECF No. 16.

1 In support of this motion, the United States relies on the Memorandum of Points and  
2 Authorities below.

3 Respectfully submitted this 1st day of March 2016.

4 DANIEL G. BOGDEN  
5 United States Attorney

6 /s/ Patrick A. Rose  
7 PATRICK A. ROSE  
8 Assistant United States Attorney  
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10 **MEMORANDUM OF POINTS AND AUTHORITIES**

11 Federal Rule of Civil Procedure 6(b)(1) and Local Rule 6-1 allow a party to request  
12 additional time to perform an act. In this case, the United States respectfully requests this  
13 extension for the reasons set forth below.

14 Following entry of the Order granting the previously requested extension (ECF No. 16),  
15 undersigned defense counsel's time was largely devoted to preparation and trial in the matter of  
16 *Kornberg v. United States of America*, 2:12-cv-01961-JAD-PAL, as well as post-trial briefing  
17 and the preparation of proposed findings of fact and conclusions of law. Counsel has also  
18 devoted time to duties in other cases including Rule 26(f) conferences, proposed discovery  
19 schedule, preparation and service of initial disclosures, discovery requests, and written  
20 authorization forms, and preparation of briefs. Counsel has had, and has in the near future,  
21 several medical and dental appointments. Counsel must prepare for an upcoming hearing on four  
22 motions in the matter of *Carrion v. United States of America, et al.*, 2:13-cv-00419-RFB-NJK.

23 Additionally, a dispositive motion in the instant matter may raise the discretionary  
24 function exception to the waiver of sovereign immunity in the Federal Tort Claims Act, 28  
25 U.S.C. §§ 1346(b)(1), 2401(b), 2671-2680 ("FTCA"). Any motion raising such exception must  
26 be reviewed and approved, prior to filing, by the Torts Branch of the Civil Division of the

1 Department of Justice. Given the circumstances set forth above, counsel does not expect that he  
2 will be able to prepare the draft dispositive motion, determine and assemble appropriate exhibits,  
3 and allow for review by the Torts Branch within the existing deadline of March 21, 2016.

4 For the reasons above, the United States respectfully requests an extension of time of  
5 thirty days, from March 21, 2016 to April 20, 2016, to file dispositive motions.

6 This motion is brought in good faith and not for purposes of undue delay or unfair  
7 prejudice to Plaintiff.

8 Respectfully submitted this 1st day of March, 2016.

9 DANIEL G. BOGDEN  
United States Attorney

10 /s/ Patrick A. Rose  
11 PATRICK A. ROSE  
Assistant United States Attorney

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16 **IT IS SO ORDERED:**

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18 **UNITED STATES MAGISTRATE JUDGE**

19 **DATED:** March 1, 2016  
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